

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-24460-CV-GAYLES  
MAGISTRATE JUDGE REID

DELMART E.J.M. VREELAND II,

Petitioner,

v.

WARDEN SCOTT PRUITT, et al.,

Respondents.

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**REPORT OF MAGISTRATE JUDGE**

**I. Introduction**

Petitioner, **Delmart E.J.M. Vreeland, II**, who is presently confined at CDOC/AVCF located in Orway, Colorado, has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his conviction and sentence in Case Number 97-08249-CFANO, entered in Pinellas County Circuit Court. [ECF 1].

This cause has been referred to the Undersigned for Report and Recommendation on any dispositive matter pursuant to 28 U.S.C. § 636(b)(1)(B) and S.D. Fla. Admin. Order 2019-2. [ECF 2].

Title 28 U.S.C. § 2241(d) provides that a federal petition for writ of habeas corpus may be filed either in the District in which the state court which convicted

the Petitioner is located, or in the District where the petitioner is confined. 28 U.S.C. § 2241(d).

Here, Petitioner is challenging his criminal conviction entered in Pinellas County, Florida, which is located in the Middle District of Florida. Furthermore, the records pertaining to his conviction are located in the Middle District.

Based upon the foregoing, the Court **RECOMMENDS** that this petition for writ of habeas corpus be transferred to the Middle District of Florida, as it is the appropriate venue. *See* 28 U.S.C. § 2241(d); *see also* 28 U.S.C. § 89.

Objections to this report may be filed with the district judge within fourteen days of receipt of a copy of the report. Failure to file timely objections shall bar petitioner from a *de novo* determination by the district judge of an issue covered in this report and shall bar the parties from attacking on appeal factual findings accepted or adopted by the district judge, except upon grounds of plain error or manifest injustice. *See* 28 U.S.C. § 636(b)(1); *see also RTC v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993).

**SIGNED** this 5th day of November, 2019.

Linette Zeib  
UNITED STATES MAGISTRATE JUDGE

cc: **Delmart E.J.M. Vreeland II**  
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